

IN THE DRAWING:

Please replace the original 12 sheets of drawing with the Replacement sheets 1/12 through 12/12 appended hereto in Appendix B.

REMARKS

Claims 1-25 are pending in the application. Claims 1, 5, 6, 8, 9, 13, 14, 16-22, 24 and 25 have been amended. Reconsideration of this application is respectfully requested.

The Office Action has objected to the specification. In paragraph 5, the objection is that ““to each of the defined event and/or types, activity types” is improper grammar. The Abstract of the Disclosure has been amended to read “to each of the defined event types and/or activity types”. It is submitted that the amended language has proper grammatical form.

In paragraph 5, the objection comprises the Examiner’s suggestions to correct typographical errors. The Specification has been amended to conform to the Examiner’s suggestions.

Accordingly, it is submitted that the amendment obviates the objection to the specification and, therefore, that the objection should be withdrawn.

The Office Action has objected to the drawing because reference character 34 has been sued to designate both a direct communication in Fig. 1 and a processor in Fig. 2. Fig. 2 of the drawing has been amended by changing the reference character for the processor from “34” to “35”, subject to the approval of the Examiner. Therefore, it is submitted that the objection to the drawing is obviated.

The Office Action rejects claims 1-25 under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Independent method claim 1 has been amended to recite a method for using a computer to define, store and access the data of an industrial process. Claim 1 further recites that steps (a), (b) and (c) are performed by operating a program of the computer. Thus, independent claim 1 clearly falls with the category of a process defined by 35 U.S.C. 101 as the claimed invention is new and useful for the definition, storage and retrieval of the data of an industrial process. The Examiner cites no authority for the method producing “a tangible result”. Without such authority, the tangible result prong of the Examiner’s test is improper.

Independent claim 13 has been amended to recite a computer system that defines, stores and retrieves the data of an industrial process. Claim 13 has been further amended to recite a processor and a computer program that when executed performs the steps of identifying, classifying and allocating the data of an industrial process. Thus, independent claim 13 clearly falls with the category of a machine defined by 35 U.S.C. 101 as the claimed machine is new and useful for the definition, storage and retrieval of the data of an industrial process. The Examiner concludes that the machine claims 13-24 perform a method that is similar to the method of claims 1-12 as the recited means are “purely software modules”, which is non-statutory, per se. 35 U.S.C. 101 does not mention “software modules”. The Examiner cites no authority that “software modules” are “non-statutory, per se”. Without such authority, the Examiner’s test is improper.

Independent claim 25 has been amended to recite a memory media for controlling a computer that defines, stores and retrieves the data of an industrial process. Independent claim 25 has been further amended to recite one or more program instructions that control the computer to define, classify and allocate the data of an industrial process. Thus, amended claim 25 claims a memory media that qualifies as an article of manufacture under 35 U.S.C. 101. The Examiner concludes that the article of manufacture claim 25 performs a method that is similar to the method of claim 1 as the recited means are “purely software

modules", which is non-statutory, per se. 35 U.S.C. 101 does not mention "software modules". The Examiner cites no authority that "software modules" are "non-statutory, per se" in the context of an article of manufacture claim. Without such authority, the Examiner's test is improper.

.For the reasons set forth above, it is submitted that the rejection of claims 1-25 under 35 U.S.C. 101 is improper and obviated by the amendment as well.

The Office Action rejects claims 1-25 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,613,113 to Goldring, hereafter Goldring.

Independent claims 1 and 13 have been amended to recite a method and computer system that defines, stores and retrieves the data of an industrial process. The data of the industrial process is recited in both the preamble and in the steps and elements by reference. Memory media claim 25 has been similarly amended. Goldring does not operate on the data of an industrial process. Therefore, Goldring lacks the steps/ elements/program instructions recited in amended independent claims 1, 13 and 25.

Method claim 1 has been further amended to recite (step a) that the computer is operated with "a program in response to input data entered by a user to identify one or more events and/or activities of said data of said industrial process and one or more attributes thereof". Computer system claim 13 and memory medium claim 25 have been similarly amended.

Goldring lacks this feature of amended independent claims 1, 13 and 25. Goldring discloses a system that accesses data in an activity log with "routines that read activity logs" (column 5, lines 39 and 40), reads the entries in the activity log" (column 7, line 21), "read the activity log and will extract from the log" (column 7, lines 28 and 29), "read the activity log, extract the necessary information" (column 10, lines 12 and 13), "the log read processor scans the

transaction log" (column 10, lines 16 and 17), "scans the log for time stamp values of interest" (column 10, line 65). None of these citations discloses or teaches a program that in response to data entered by a user identifies one or more events and/or activities of an industrial process and one or more activities thereof as recited in claims 1, 13 and 25. Moreover, these citations do not access the activity log for or based on time stamps. Rather, the log processor appears to be reading time series entries from the activity log and determining with a filter if the read entry contains a time stamp of interest.

The Examiner contends that Goldring's column 3, lines 36-58, teach this feature of claims 1, 13 and 25. However, this citation is a generic restatement of Goldring's claims. The citations noted in the above preceding paragraph describe Goldring's system much more specifically. As noted in the above preceding paragraph, Goldring lacks the step (a) feature of amended claim 1 and the corresponding element/program instructions of amended independent claims 13 and 25.

Independent claim 1 has been further amended to recite (step b) "operating said computer with said program to classify each of said events and/or activities and each of said attributes according to a data structure that comprises an event and/or activity type and a plurality of attribute types to provide defined event and/or activity types for said events and/or activities and defined attribute types for said attributes". Independent claims 13 and 25 have been similarly amended.

Since Goldring lacks the step (a) feature of amended independent claims 1, 13 and 25, Goldring also lacks the step (b) feature that classifies each of the events and/or activities of the industrial process and one more attributes thereof that are defined by step (a).

The Examiner contends that Goldring's column 8, line 60 to column 9, line 14, and Fig. 3 teach this feature of claims 1, 13 and 25. However, this citation merely teaches the recording of transactional events in a time series manner with periodic time markers inserted in the series. There is no teaching of a program that classifies the transactional events and each of the attributes thereof according to a data structure as recited by these claims. Goldring's program merely stores and retrieves the time series event data. Goldring then teaches that those skilled in the art can write routines to read the activity log for time stamp data, filter out non-committed transactions to permit tracing of updates. Column 5, lines 40-47. It is clear that Goldring stores and retrieves event data in a time series manner and does not classify events and attributes thereof according to a data structure that comprises an event type and a plurality of attribute types to provide defined event types and defined attribute types, as recited in amended claims 1, 13 and 25. Therefore, Goldring lacks step (b) of amended independent claim 1 and the corresponding element/program instructions of amended independent claims 13 and 25.

Independent claim 1 has been further amended to recite (step c) "operating said computer with said program to allocate one or more storage volumes of a database to each of said defined event and/or activity types for storage and retrieval of said data by said defined attribute type". Independent claims 13 and 25 have been similarly amended.

Goldring does not teach a program that allocates storage volumes of a database to each of the defined event types for storage and retrieval of the data of the industrial process. Goldring's program merely deals with time series data in an activity log and uses other tables on Fig. 2 to stage the update data retrieved from the activity log for update of a snapshot view stored in user tables 28. Goldring's program deals with tables in a relational database and not with the allocation of storage volumes to defined event and/or activity types.

The Examiner contends that Goldring's column 5, lines 2-23, teach this feature of claims 1, 13 and 25. However, this citation merely teaches the recording of user tables 28 in a memory of the computer and not with the allocation of storage volumes to each of the defined event and activity types, as recited in amended independent claims 1, 13 and 25.

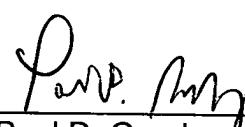
For the reason set forth above, it is submitted that the rejection of claims 1-25 under 35 U.S.C. 102(b) as anticipated by Goldring is obviated by the amendment and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the objections to the specification and drawing be withdrawn, that the rejections under 35 U.S.C. 101 and 35 U.S.C. 102(b) be withdrawn, that claims 1-25 be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: 5/24/06



Paul D. Greeley
Reg. No. 31,019
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
(203) 327-4500